

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Application of Vale S.A., Vale Holdings  
B.V., and Vale International S.A. for an Order  
Pursuant to 28 U.S.C. § 1782 to Conduct  
Discovery for Use in Foreign Proceedings

Case No. 1:20-mc-00199-JGK-OTW

**[PROPOSED] ORDER TO SHOW  
CAUSE**

Upon the the *Ex Parte* Application of Vale S.A., Vale Holdings B.V., and Vale International S.A. (“Vale” or “Petitioner”) for an Order Pursuant to 28 U.S.C. 1782 to Conduct Discovery for Use in a Foreign Proceeding (the “Application”); the Declaration of Jeffrey A. Rosenthal, dated April 24, 2020, in Support of Vale’s *Ex Parte* Application Order Pursuant to 28 U.S.C. 1782 to Conduct Discovery for Use in a Foreign Proceeding (the “Rosenthal Declaration”); the Memorandum of Law in Support of Vale’s *Ex Parte* Application for an Order Pursuant to 28 U.S.C. 1782 to Conduct Discovery for Use in a Foreign Proceeding (the “Memorandum”); Vale’s letter request dated May 20, 2020 (“Vale’s May 20 Letter”); and all other pleadings and proceedings heretofore had herein, it is hereby

ORDERED that HFZ Capital Group LLC, Ziel Feldman, Helene Feldman, Feldman Family 2007 Trust, Nir Meir, John Shannon, Kenneth Henderson, Bryan Cave Leighton Paisner LLP, Chatsworth Realty 340 LLC, HFZ 344 West 72nd Street Owner LLC, Chatsworth Realty Corp., 215 Chrystie LLC, HFZ 40 Broad Street LLC, HFZ Highline Property Owner LLC, HFZ Highline Retail Owner LLC, HFZ Highline LLC, HFZ 501West LLC, 20 West 40 Bryant Park Owner LLC, HFZ Bryant Park Owner LLC, Tarpley Belnord Corp., Perfectus Real Estate Corp., HFZ 235 West 75th Street Owner LLC, HFZ 301 West 53rd Street Owner LLC, HFZ 88 Lexington Avenue Owner LLC, HFZ 90 Lexington Avenue Owner LLC, HFZ KIK 30th Street Owner LLC, HFZ West 30th Street Partners LLC, HFZ KIK 30th Street LLC, HFZ KIK 30th

Street Mezzanine LLC, 76 Eleventh Avenue Property Owner LLC, RFR Holding LLC, Aby Rosen, R&S Chrysler LLC, RFR Realty LLC, and Fine Arts NY LLC (together, “Respondents”), show cause before this Court, at Courtroom 20D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, on the \_\_\_ day of June, 2020, or as soon thereafter as counsel can be heard, why an order should not be issued pursuant to 28 U.S.C. § 1782 permitting Vale to compel production of documents pursuant to the subpoenas, attached as Exhibits A-II to the Rosenthal Declaration (“Subpoenas”), to be issued by Vale’s attorneys and served upon the Respondents, and good cause appearing; and

IT IS ORDERED, that any opposition to the Application and objections to the Subpoenas must be submitted in writing by no later than June 5, 2020. Said written opposition and objections may be in the form of a letter or memorandum addressed to the Honorable Ona T. Wang, U.S. Magistrate Judge, 500 Pearl St., New York, New York, 10007, with a copy simultaneously delivered to counsel for Vale; and

IT IS FURTHER ORDERED, that Vale may reply in support of the Application and the Subpoenas by no later than June 12, 2020. Said reply in support may be in the form of a memorandum of law addressed to the Honorable Ona T. Wang, U.S. Magistrate Judge, 500 Pearl St., New York, New York, 10007, with a copy simultaneously delivered to any Respondent who has appeared in opposition or otherwise entered a notice of appearance; and

IT IS FURTHER ORDERED, that given the challenges of personal service during the current COVID-19 crisis, that the following will constitute good service and reasonable notice under the circumstances: (1) Fedex to each proposed subpoena recipient of (i) the Application, (ii) Vale’s Memorandum of Law, (iii) the proposed subpoena for that party, (iv) this Order to

Show Cause, (v) Vale's May 20 Letter, and (vi) a letter advising them how to access the remaining declarations and exhibits and other materials related to the case are available on PACER; and (2) Email (to the extent known) to each individual subpoena recipient with each of the aforementioned documents; and

IT IS FURTHER ORDERED, without ruling at this time on their standing to be heard in opposition to the Application, that Vale is to provide the aforementioned documents to each of Benjamin (Beny) Steinmetz, Dag Lars Cramer, Marcus Struik, Asher Avidan, Joseph Tchelet, David Clark, the Balda Foundation, and Nysco Management Corp. (the defendants in the underlying foreign proceedings (the "English Proceedings")) by email to each of their counsel of record in the English Proceedings.

Dated: May \_\_\_\_, 2020

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United States Magistrate Judge